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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,430	09/13/2000	Satoshi Ejima	107323	8405
25944	7590	04/11/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	
DATE MAILED: 04/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/661,430	<b>Applicant(s)</b> EJIMA ET AL.	
	<b>Examiner</b> Kelly L. Jerabek	<b>Art Unit</b> 2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-18,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 19-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18 and 36-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 16-18 and 36-37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16-17 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mead et al. US 6,646,680 in view of Fling et al. US 4,652,908.**

Re claim 16, Mead discloses in figure 8 an image-capturing device (800) that captures an image through a taking lens (fig. 1: 101)(col. 3, lines 4-12). The camera (800) includes a sub-sampling circuit that sub-samples the image signal and reads out sub-sampled image signals (col. 6, lines 65-67; col. 7, lines 1-12). The sub-sampled image capture signal is then read out and a specific type of processing (eg: image is adjusted and focused) is performed on the sub-sampled image (col. 7, lines 7-12). However, Mead does not specifically disclose that the camera includes a signal processing circuit that changes a value of specific signals in the sub-sampled image capture signals to emphasize the image capture signal.

Fling discloses in figure 1 a pix-in-pix processing circuit in a television signal display device that includes a peaking filter that processes a sub-sampled image signal to enhance the reproduced image (col. 2, lines 11-17 and 51-64). The peaking filter of the processing circuit changes a value of specific signals in the sub-sampled image capture signals to emphasize the image capture signal (col. 4, lines 30-57). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the processing circuit including a peaking filter as disclosed by Fling in the digital camera capable of sub-sampling an image signal as disclosed by Mead. Doing so would provide a means for processing filtered and sub-sampled image signals to enhance vertical edges in a reproduced image (Fling: col. 2, lines 11-17).

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Re claim 17, Mead discloses a display device (804) displays an image using the sub-sampled signal (col. 7, lines 1-12). Also, Fling states that the peaking level of the peaking filter is adjusted to develop a more uniform image for display (col. 4, lines 31-57).

Re claim 36, Fling states that the signal processing circuit increases the peaking level of the peaking filter to increase the brightness of the image to create a more uniform image (col. 4, lines 51-57).

Re claim 37, Fling states that a user may adjust the peaking level to increase or reduce the amount by which high frequency components are peaked to produce an image of desired characteristics (col. 4, lines 43-48).

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mead et al. in view of Fling et al. and further in view of Jang et al. US 5,200,828.**

Re claim 18, the combination of the Mead and Fling references includes all of the limitations according to claim 16. Furthermore, Mead states that a focus adjustment can be made based on a sub-sampled image (col. 7, lines 7-10). However, Mead in view of Fling does not mention a contrast detection circuit for detecting contrast in the subject image by using the sub-sampled image signal and detecting a focal adjustment

state of the taking lens of the camera by using the results of the contrast detection circuit.

Jang discloses in figure 2 and auto-focusing method for a video camera. A contrast detection circuit detects contrast of a subject image and produces digital weighted signals (30) (col. 4, lines 32-60). The weighted signals (30) corresponding to the contrast in the image signals are then sent to a digital integrator and focusing values (40) are generated (col. 4, lines 54-60). Finally, a focal adjustment state of the lens is determined based on the focusing values (40) and the focus of the lens is adjusted (col. 5, lines 1-31). Therefore, it would have been obvious to include the concept of adjusting the focus of the lens of a camera based on a detected contrast of a captured image as disclosed by Jang in the camera employing scanning circuitry for sub-sampling an image signal as disclosed by Mead in view of Fling. Doing so would provide a means for maximizing the focusing value of a camera by adjusting the focus based on the detected contrast of the image signal (Jang: col. 2, lines 10-25).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contacts***

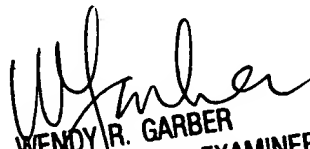
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
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